



05-12-03

PTO/SB/29(10-00)

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

 CHECK BOX, if applicable:  
DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:	Attorney Docket No. of Prior Application	29715/33638A
Mail Stop CPA Commissioner For Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	First Named Inventor	AMMONS et al.
	Examiner Name	David S. Romeo
	Group Art Unit	1647
	Express Mail Label No.	EV 233431485 US

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/416,828  
filed on October 12, 1999, entitled

### METHOD OF TREATING CONDITIONS ASSOCIATED WITH INTESTINAL ISCHEMIA/REPERFUSION

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#### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51 (b), or (2) the national stage of an international application in compliance with 35 U.S.C 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53 (d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  DELETE the following inventor(s) named in the prior nonprovisional application:  
-----  
b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

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CLAIM	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	10 - 20 =	0	x \$ 18.00 =	\$ 0.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	1 - 3 =	0	x \$ 84.00 =	\$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) 37 CFR 1.16(d)			+ \$ =	
				BASIC FEE (37 CFR 1.16)	\$ 750.00
			Total of above Calculations =		\$ 750.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$ 750.00

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. \_\_\_\_\_

- a.  Fees required under 37 CFR 1.16.
- b.  Fees required under 37 CFR 1.17.
- c.  Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.9.  Payment by credit card. Form PTO-2038 is attached.10.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed. months11.  New Attorney Docket Number, if desired \_\_\_\_\_*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13.  Other: \_\_\_\_\_

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**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS  
a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

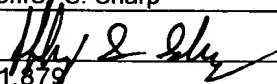
or

 New correspondence address below

Customer No. 04743

Name	Jeffrey S. Sharp MARSHALL, GERSTEIN & BORUN				
Address	6300 Sears Tower 233 South Wacker Drive				
City	Chicago	State	Illinois	Zip Code	60606-6537
Country	Cook	Telephone	312-474-6300	Fax	312-474-0448

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jeffrey S. Sharp
Signature	
Registration No. (Attorney/Agent)	31,879
Date	May 9, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 233431485 US, in an envelope addressed to: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.

Dated: May 9, 2003

Signature:



Richard Zimmermann